

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GIFTBOXCENTER LLC,

Plaintiff,

v.

PETBOX, INC and PETBOX HOLDINGS LLC,

Defendants.

Civil Action No. 15-4390

ORDER

John Michael Vazquez, U.S.D.J.

This matter comes before the Court on Plaintiff Giftboxcenter LLC's ("Plaintiff" or "Gift Box Center") unopposed motion for default judgment against Defendants Petbox, Inc. and Petbox Holdings, LLC (collectively "Pet Box") under Fed. R. Civ. P. 55(b). D.E. 41. In accordance with Local Civil Rule 7.1(d)(4), Plaintiff contends that a brief is unnecessary because "no significant legal argument is made in connection with this motion."¹ D.E. 41 at 3. The Court disagrees. Plaintiff seeks numerous forms of relief that require additional briefing. In particular, Plaintiff seeks a declaratory judgment for the following nine forms of relief:

1. A declaration that Pet Box does not own a valid trademark, or have any legitimate interest or rights in the name "PETBOX";
2. A declaration that Pet Box has no legal basis to prevent others from using names that include the words "pet" and "box";

¹ Plaintiff reserved its rights to file a brief to supplement its motion papers if the court concludes that additional submissions would be helpful in making a decision. D.E. 41 at 3.

3. A declaration that Gift Box Center's past and ongoing conduct in connection with the name "PETGIFTBOX" and Gift Box Center's logo set forth herein, do not constitute infringement of Get Pet Box's trademark rights under 15 U.S.C. § 1114(1);
4. A declaration that Gift Box Center's past and ongoing conduct in connection with the name "PETGIFTBOX" and Gift Box Center's logos set forth herein, do not constitute false advertising under 15 U.S.C. § 1125(a);
5. A declaration that Gift Box Center's past and ongoing conduct in connection with the name "PETGIFTBOX" and Gift Box Center's logo set forth herein, do not violate any of Pet Box's rights under any federal statute, state statute or common law;
6. A declaration Pet Box is not entitled to any injunctive relief against Gift Box Center's use of the name "PETGIFTBOX" or Gift Box Center's logo set forth herein;
7. A declaration that Pet Box is not entitled to recover any monetary damages as a result of Plaintiff Gift Box Center's past and ongoing conduct in connection with the name "PETGIFTBOX" or Gift Box Center's logos set forth herein;
8. That Pet Box pays Gift Box Center's attorneys['] fees and costs of this suit; and
9. For such other relief to Gift Box Center as the Court deems just and proper.

D.E. 8 at 12-13; and for good cause shown

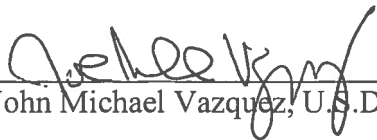
IT IS on this 20th day of June 2017,

ORDERED that Plaintiff's motion for default judgment (D.E. 41) is denied without prejudice; and it is further

ORDERED that within thirty days of this Order Plaintiff may file a supplemental brief and any supporting documents² necessary to support the relief requested; and it is further

² If Plaintiff's counsel renews his request for attorneys' fees, counsel should provide the Court with a detailed breakdown of how the fees were calculated and the legal basis as to why fees should be awarded.

ORDERED that the Clerk of the Court shall serve a copy of this order on Defendants via certified mail return receipt to its last known address: Petbox Inc. 11855 Sorrento Valley Road, Suite 521, San Diego, California 92121.


John Michael Vazquez, U.S.D.J.